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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,117	12/21/2000	Steven Chafe	2506-003	6909

7590 05/07/2004
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11800 Sunrise Drive, Suite 1000
Reston, VA 20191-5302

EXAMINER

JAROENCHONWANIT, BUNJOB

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/745,117	CHAFE, STEVEN	
	Examiner	Art Unit	
	Bunjod Jaroenchonwanit	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 21 December 2000.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-43 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-43 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 4/9/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____.
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DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 8, 11, 15-18, 22, 25-28 and 32-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Elliott et al. (US. 5,610,915)

3. Regarding claims 1-4, 7-8, 11-13, 15-18, 22, 25-28 and 32-43, Elliott discloses a method, apparatus and program (herein after referred to as “system”) for monitoring and reporting of real-time communications, i.e., traffic view system (TVS), which enables its’ subscribers to monitor network traffic, resource utilization, specifying time interval for monitoring period, e.g., 60 minutes of other variation, sending report to its subscriber, e.g., alerting, via e-mail fax or other means (abstract, Col. 1, line 34-Col.2, line 61; Col. 4, lines 18-20; Col. 5, lines 9-26; Col. 8, lines 55-64).

4. Claim 1, 9-15 23-28, 32-37, are rejected under 35 U.S.C. 102(e) as being anticipated by Alazma et al. (US. 6,173,175).

5. Regarding claims 1, 9-15, 23-24, 32, 36 and 37, Alazma discloses a method, apparatus and program (herein after referred to as “system”) for monitoring and reporting of real-time

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communications at the MSC, implementing estimating resource utilization, based on the line traffic resource utilization data that has been collected over a sample period of predetermined length, using Erlang-B and Poisson Distribution formula for a statistical estimation method so as to discount bursty utilization activity, thereby producing an estimated resource utilization calculation; and publishing the estimated resource utilization calculation to an electronic publishing resource from which the published estimated resource utilization calculation (Fig. 1-4; Col. 1, lines 10-45; Col. 2, lines 47-67; Col. 3, line 5-Col. 8, line 16).

6. Regarding claims 25-28 and 33-35, Alazma discloses the invention, as claimed, as described, including a system, which is capable of monitoring network resource, calculating and presenting statistic information related to the utilization of such resources. Alazma, system is clearly required server for gathering information, e.g., condensing server, server for transmitting statistic information, e.g., relay server. Regardless of nomenclature, Alazma inherently teaches functionality equivalent of such claimed servers.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-8, 16-22, 29-31 and 38-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alazma et al, as applied to claim 1 above, and further in view of Campbell et al. (US. 6,292,801).

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9. Regarding claims 2-4, 6, 16-18, 20-22 and 41-43, Alazma discloses the invention substantially as claimed as described in claims 1, above, but failed to disclose alerting the subscriber in the event that the estimated resource utilization calculation surpasses a predetermined threshold resource event notification to notify resource constraint is nothing new in the art, in fact such notification is implement in several field of network, some using visualization color code, some dispatch thou a pager some via an email of pop up message on the user terminal. In an analogous art, Campbell teaches a communication system, which included an alarm module that capable of generating and sending notification to network users when network resources reached a certain predefined threshold. The notification could be accomplished via electronic page or email message (Col. 7, lines 20-27). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made that incorporate alarming module as suggested by Campbell with Alazma teaching in order to enhance Alazma's system capability, with the motivation of allowing user to tracking and managing network resource utilization (Campbell Col. 1, line 19-Col. 2, line 42).

10. Regarding to claims 5 and 19, Alazma-Campbell discloses the invention substantially, as claimed, as described, but is silent to using an audible alarm. However, applying audible alarm with a system that readily had a capability of sending notification as suggested by Alazma-Campbell, would have been obvious to one of ordinary skill in the art at the time of the invention was made that was a variation of design choice.

11. Regarding claims 7-8, 21-22, 29-31 and 38-40, Alazma-Campbell discloses the invention substantially, as claimed, as described, but is silent to a variation of sampling period. However, specifying certain sampling periods, with a system that readily allowed one to set sampling

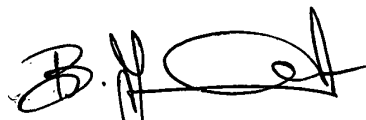
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period as suggested by Alazma-Campbell, would have been obvious to one of ordinary skill in the art at the time of the invention was made that was a variation of implementation choice.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bunjob Jaroenchonwanit whose telephone number is (703) 305-9673. The examiner can normally be reached on 8:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bunjob Jaroenchonwanit
Primary Examiner
Art Unit 2143

/bj

5/3/2004